IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 75 (SS) OF 2003

Saleem Ansari,
S/o Becha Ansari,
R/o Mohalla Miya Ganj,
City & District Almora,
Uttaranchal. .....Petitioner.

Versus

1. State of Uttar Pradesh through Secretary to the Government, Department of Karmik, Civil Secretariat, Lucknow U.P.
2. State of Uttaranchal through Secretary to the Government, Department of Karmik, Secretariat Dehradun, Uttaranchal.
3. District Magistrate, Almora, Uttaranchal.
4. Senior Superintendent of Police, Almora, Uttaranchal.

Hon'ble Rajesh Tandon, J.

Heard Sri Anurag Bisaria, Advocate for the petitioner and Standing Counsel for the respondents.

By the present writ petition, the petitioner has prayed for a writ of mandamus commanding the opposite parties to issue posting order to the petitioner allowing the petitioner to join on the post of Urdu Translator-cum-Junior Clerk with effect from the date of order of the other persons or the order by which they were allowed to join and were directed to pay the arrears of salary with all consequential benefits.

Briefly stated, according to the case of the petitioner, he being fully qualified for the post of Urdu Translator-cum-Junior Clerk made an application offering his candidature as provided in the Urdu Translator-cum-Junior Clerk Service Rules, 1994. A written test was held for which a letter was issued requiring the petitioner to appear in the said written test. He appeared in the written test and succeeded in the said examination and direction was issued to him for appointment at Almora. The petitioner is Ansari by caste and falls within the backward class as provided in U.P. Act No. 4 of 1994. The

Petitioner has submitted that there were ten person, who were selected for District Almora.

On 25.09.1995, the opposite party no. 4 issued an order requiring the petitioner to submit necessary documents and consequently the petitioner submitted the same.

On 29.09.1995, when the petitioner appeared in expectation that he will be provided with the copy of the posting order at Police Station, he was served with the order dated 29.09.1995 passed by the opposite party no. 4 indicated that Commissioner Kumaon Division has stayed the order passed by the opposite party no. 3 dated 22.09.1995 vide his order dated 27.09.1995 and the posting order was not issued to the petitioner.

The petitioner has submitted that a number of representations have been filed by him but of no avail.

The petitioner some time thereafter came to know that the opposite party no. 1 has clarified the position that on account of residence, place of birth or such other factor, no such distinction could be there. Thereafter, the petitioner came to now that the Hon'ble High Court of Allahabad at Lucknow

Bench has passed some orders, prohibiting the issuance of joining/posting order, and since then the petitioner is running from pillar to post awaiting for further orders from the Hon'ble Court. However, in the last of week of February, 2002 the petitioner came to know that there is no such restrain order as regards the petitioner and the restrain order is pertaining to such candidates, who have not passed intermediate examination from U.P. Board, and the petitioner submitted an application to the opposite parties no. 1 and 2 by means of registered letter No. 4881 and 4882 dated 01.03.2002 and no reply has been given.

However, looking to the grievance of the petitioner, liberty is given to him to make a fresh detailed representation giving all the relevant case laws within a period of two weeks form the date of presentation of the certified copy of this order.

If such a representation is filed, the same shall be disposed of by the authority concerned considering the case of the petitioner within a period of six weeks thereafter in accordance with law.

Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

27.03.2006
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